Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-6 (cancelled).

Claim 7 (currently amended): An assay for [screening a test agent and] selecting [an agent] a compound useful for treating epilepsy or other neurological disorders which modulates inactivation of a sodium channel [involved in epilepsy] comprising:

a) [a recombinant SCN1A, SCN2A or SCN3A gene] an SCN1A nucleic acid sequence which encodes an [alpha subunit of said] SCN1A sodium channel or a functional fragment thereof; and

b) assaying a function of said sodium channel;

wherein [an agent can be] said compound is selected when [an observable] a difference is observed between the inactivation of said sodium channel in the presence of [said] a test agent, as compared to in the absence thereof [, and wherein a malfunction of said sodium channel is associated with epilepsy].

Claim 8 (currently amended): An assay for [screening a test agent and] selecting [an agent] a compound useful for treating epilepsy or other neurological disorders which modulates the activity of a sodium channel [involved in epilepsy] comprising:

a) [a recombinant SCN1A, SCN2A or SCN3A gene] an SCN1A nucleic acid sequence which encodes an [alpha subunit of said] SCN1A sodium channel or functional fragment thereof; and

b) assaying [the] an activity of said sodium channel;

wherein [an agent can be] a compound is selected when [an observable] a difference is observed between the activity of said sodium channel in the presence of said test agent, as

compared to in the absence thereof [, and wherein a malfunctioning of said sodium channel is associated with epilepsy].

Claim 9 (cancelled).

Claim 10 (currently amended): A method for identifying, from a library of test compounds, a compound [with] having a therapeutic effect on epilepsy or other neurological disorders comprising:

a) providing a screening assay [comprising] which comprises a measurable [biological activity of SCN1A, SCN2A or SCN3A protein or gene] SCN1A biological activity;

b) contacting said screening assay with a test compound; and

c) detecting if said test compound modulates [the biological activity of SCN1A, SCN2A or SCN3A protein or gene] said SCN1A biological activity;

wherein a test compound which modulates said biological activity is identified as a compound with said therapeutic effect.

Claims 11-13 (cancelled).

Claim 14 (new): The method of claim 10, wherein said assay comprises an expression vector comprising an SCN1A nucleic acid sequence which encodes said sodium channel or functional fragment thereof.

Claim 15 (new): The method of claim 7, wherein said SCN1A nucleic acid sequence is a mammalian SCN1A sequence.

Claim 16 (new): The method of claim 8, wherein said SCN1A nucleic acid sequence is a mammalian SCN1A sequence.

Claim 17 (new): The method of claim 14, wherein said SCN1A nucleic acid sequence is a mammalian SCN1A sequence.

Claim 18 (new): The method of claim 16, wherein said mammalian SCN1A nucleic acid sequence is selected from among mouse, rat and human SCN1A.

Claim 19 (new): The method of claim 17, wherein said mammalian SCN1A nucleic acid sequence is human.

Claim 20 (new): The method of claim 19, wherein said SCN1A nucleic acid sequence is a human sequence which comprises a sequence selected from among SEQ ID NOs: 189-192, or allelic variant thereof.

Claim 21 (new): The method of claim 20, wherein said SCN1A nucleic acid sequence is selected from among the sequences as set forth in SEQ ID NOs:1-2 and 5-32, or allelic variant thereof.

Claim 22 (new): The method of claim 8, wherein said SCN1A nucleic acid sequence encodes the amino acid sequence as set forth in SEQ ID NO:3 or SEQ ID NO: 4, or a fragment thereof.

Claim 23 (new): The method of claim 20 wherein said sequence identity has greater than 95% sequence identity thereto.

Claim 24 (new): The method of claim 8 wherein said assaying is performed in a cell-free system.

Claim 25 (new): The method of claim 8 wherein said assaying is performed with a whole cell.

Claim 26 (new): The method of claim 10 wherein said screening assay is a cell-free system.

Claim 27 (new): The method of claim 10 wherein said screening assay is a whole cell system.

Claim 28 (new): The method of claim 8, wherein said SCN1A nucleic acid sequence is comprised in an expression vector.

Claim 29 (new): The method of claim 28 wherein said expression vector is comprised in a cell.

Claim 30 (new): The method of claim 8, wherein said SCN1A sequence is a recombinant form of SCN1A.

A Response to the Restriction Requirement:

A. Status of the Claims

Claims 1-13 were pending at the time of the Restriction Requirement. Claims 1-6, 9, and 11-13 have been cancelled without prejudice or disclaimer. Claim 7, 8, and 10 have been amended and claims 14-30 have been added to correspond to the election of the Group I invention that is made below by Applicants. In view of the fact that the amendment relates only to corresponding to the election of the Group I invention, it does not, in any way, affect the scope of the claim or range of equivalents to which the elements in the claim are entitled. Claims 7, 8, 10, and 14-30, therefore, are currently pending.

B. Response to Restriction Requirement

In response to the Restriction Requirement, Applicants elect, without traverse, to prosecute the Group II invention, as exemplified by claims 7-10, classified in class 514, subclass 1. Claims drawn to the inventions of Groups I and III-V, claims 1-6 and 11-13, have been cancelled from the present case without prejudice or disclaimer.

The Restriction Requirement also requests Applicants to elect for further prosecution a polypeptide selected from SCN1A, SCN2A, and SCN3A. In response, Applicants elect to prosecute claims directed towards the SCN1A polypeptide.

Applicants reserve the right to prosecute claims directed to the non-elected inventions in continuing applications.

C. Response to the Sequence Listing Issues

At the request of the Examiner, Applicants have also included a revised sequence listing (including a computer readable form) and the corresponding papers pursuant to 37 C.F.R. §§ 1.821-1.825. Applicants have included with each sequence listing, the identification of the changes that were made to the original sequence listing.

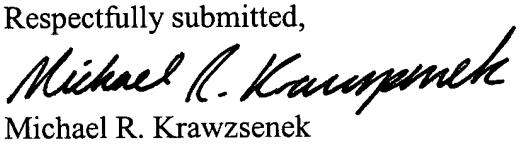
D. Conclusion

Applicants believes this to be a full and complete response to the Restriction Requirement dated March 25, 2003. Applicants respectfully request favorable consideration of this case in view of the above comments and amendments. Should the Examiner have any questions, comments, or suggestions relating to this case, the Examiner is invited to contact the undersigned Applicant's representative at (512) 536-3020.

A Petition for a Five Month Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of five months to and including September 25, 2003, in which to respond to the Restriction Requirement dated March 25, 2003. Pursuant to 37 C.F.R. § 1.17, a check in the amount of $985.00 is enclosed, which is the process fee for a five-month extension of time for a small entity status. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/GOUD:023US.

Respectfully submitted,



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Date: September 17, 2003